



Paul R. LePage
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
MAINE BOARD OF EXAMINERS IN PHYSICAL THERAPY
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head, Esq.
Commissioner

Geraldine L. Betts
Administrator

Maine Board of Examiners in Physical Therapy
Minutes of July 31, 2014 Board Meeting

CALL TO ORDER

Chairperson Anderson called the meeting to order at 12:02 p.m.

MEMBERS PRESENT

Leslie Anderson, Physical Therapist, Chair
Nancy Chandler, Complaint Officer
Nancy Kostovick, Physical Therapist (*arrived at 1:00p.m.*)
Suzanne Gordon, Physical Therapist

STAFF PRESENT

Jessica Gowell, Planning and Research Associate I
Kelly McLaughlin, Senior Consumer Assistant Specialist
Geraldine Betts, Board Administrator
Bob Perkins, Assistant Attorney General

OLD BUSINESS

Review and approval of the minutes from July 31, 2014 meeting

In a motion by Gordon, seconded by Chandler, to accept the minutes of July 31, 2014, as presented. Motion carried.

NEW BUSINESS

Complaint Committee's Report

2013 PHY 9598

In a motion by Gordon, seconded by Anderson, to dismiss 2013 PHY 9598 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2014 PHY 9799

In a motion by Gordon, seconded by Kostovick to dismiss 2014 PHY 9799 with a Letter of Guidance regarding employment relationships. Motion carried, Complaint Officer recused.

In an amended motion by Gordon, seconded by Kostovick to include the Letter of Guidance is to remain of file for a period of two (2) years. Motion carried, Complaint Officer recused.

2014 PHY 10006

In a motion by Kostovick, seconded by Anderson, to dismiss 2014 PHY 10006 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2014 PHY 10058

In a motion by Anderson, seconded by Kostovick, to dismiss 2014 PHY 10058 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

Review and approve Decision and Order – Jon LeClair – 2013 PHY 9262

In a motion by Gordon, seconded by Kostovick to accept the Decision and Order as amended in the matter of Jon LeClair 2013 PHY 9262. Motion carried.

Correspondence

Correspondence of February 18, 2014, Dustin Hurd, regarding spinal manipulation

In a motion by Gordon, seconded by Anderson that the Board agrees if the script says "evaluation and treat" a physical therapist needs to make contact with the physician and obtain approval by the physician that would be acceptable. The Board refers Dustin Hurd to 32 M.R.S. § 3113-A of the Board Statute; which states "*Nothing in this chapter may be construed as authorizing a physical therapist or physical therapist assistant, licensed or not licensed, to practice medicine, osteopathy, dentistry, chiropractic or any other form of healing, except that physical therapists may utilize manipulative techniques if practiced within the scope of their profession. Physical therapists may not apply manipulative thrust to the vertebrae of the spine except upon consultation with, and referral by, a duly licensed doctor of medicine, surgery, chiropractic or osteopathy. A licensed physical therapist or physical therapist assistant may not administer drugs except upon the referral of a duly licensed doctor of medicine, surgery, osteopathy, podiatry or dentistry, and may not use roentgen rays or radium or use electricity for surgical purposes. A licensed physical therapist assistant may act only under the direction of a physical therapist licensed to practice in this State*". Motion carried.

In a motion by Anderson, seconded by Gordon to table the question that addressed dry needling until the next Board meeting which is scheduled for March 13, 2015 to allow the board member's time to research this information along with the practice act. Motion carried.

Correspondence of April 1, 2014, Bill Anderson, regarding medical reconciliation by physical therapists.

Regarding the question in a case where a physical therapist is making a visit to a patient's home and the patient is exhibiting signs of worsening CHF, can the physical therapist take a verbal order via telephone call from the Physician's office to adjust a patient's medication? The Board agreed this answer would be No; as it is out of the scope of practice for a Physical Therapist and further advises the licensee that in this situation he would want to notify the Physician immediately. The Board references 32 M.R.S. § 3111-A of the Board Statute; which states "*The practice of physical therapy includes the evaluation, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction and pain from injury, disease and any other bodily condition; the administration, interpretation and evaluation of tests and measurements of bodily functions and structures for the purpose of treatment planning; the planning, administration, evaluation and modification of treatment and instruction; and the use of physical agents and procedures, activities and devices for preventive*

and therapeutic purposes; and the provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain.”

It would be the correct action for the physical therapy assistant to relay the exhibiting signs of worsening CHF to the physical therapist and for the physical therapist to do an assessment and then communication with the physician immediately.

Discussion Regarding the Appropriate Use of the Title “Doctor” by Physical Therapists

The Board discussed the appropriate use of the title “doctor” and no action was taken.

Program Administrator’s Report

Administrator Betts gave a financial updated to the Board and reminded them of the conflict of interest policy for Governor’s Appointees to Licensing Boards and Commissions within and affiliated with the Department of Professional and Financial Regulations.

ADJOURN

There being no further business, Anderson motion to adjourn at 3:34 p.m., seconded by Kostovick. Motion carried.